

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------------|---|---------------------------------|
| NATHAN HOYE, |) | |
| |) | Civil Action No. 3: 21-cv-0026 |
| Plaintiff, |) | |
| |) | Senior Judge Nora Barry Fischer |
| v. |) | |
| |) | |
| SCI SOMERSET MEDICAL DEPT., |) | |
| Defendant. |) | |

MEMORANDUM ORDER

The above captioned case was initiated by pro se Plaintiff Nathan Hoye on February 19, 2021, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). Plaintiff initially submitted a complaint without paying the filing fee or filing a motion for leave to proceed in forma pauperis. (*Id.*). He submitted a Motion for Leave to Proceed in forma pauperis on March 16, 2021. (Docket No. 4). On March 22, 2021, the Magistrate Judge issued a Report recommending that the Motion for Leave to Proceed in forma pauperis be denied as Plaintiff had not satisfied the imminent danger exception to the three strikes rule of 28 U.S.C. § 1915(g). (Docket No. 6). Plaintiff was served with the Report and Recommendation at his listed address of record and advised that written objections were due by April 9, 2021. To date, no objections have been filed nor has Plaintiff sought an extension of time in which to do so.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of April, 2021:

IT IS ORDERED that the Report and Recommendation (Document No. 6) dated March 22, 2021, is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Proceed in forma pauperis (Document No. 4) is DENIED and this case is DISMISSED, without prejudice, to Plaintiff reopening the matter by paying the full statutory and administrative filing fees of \$402.00;

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED; and,

FINALLY, IT IS ORDERED, that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc: NATHAN HOYE
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SCI Somerset
1590 Walters Mill Road
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(via U.S. First Class Mail)